

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 2:19-cv-00119-JRG-RSP

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING MOTION STRIKE THE UNTIMELY
EXPERT DECLARATION OF SCOTT A. DENNING AND EXHIBITS 4-7 TO
PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF**

Before the Court is the Motion to Strike the Declaration of Scott A. Denning and Exhibits 4–7 to Plaintiff's Opening Claim Construction Brief, submitted by Defendant Apple Inc. Having considered the Motion, the Court finds that the declaration of Scott A. Denning was untimely and the incorporation of Exhibits 4–7 was improper. Therefore, the Court hereby GRANTS Defendant's Motion. The declaration of Scott A. Denning and Exhibits 4–7 (Dkt. Nos. 54-4, 54-5, 54-6, 54-7, and 54-8) are hereby stricken, as are any references thereto in the body of Plaintiff's Opening Claim Construction Brief (Dkt. No. 54). The Court will not consider these materials for any purpose.

SO ORDERED.